



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Summary CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Stuart Fleming, Ward 1*  
*Grif Chalfant, Ward 2*  
*Johnny Walker, Ward 3*  
*G. A. (Andy) Morris, Ward 4*  
*Anthony Coleman, Ward 5*  
*Michelle Cooper Kelly, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, November 12, 2014

7:00 PM

Council Chamber

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**20141236      Marietta Museum of History Presentation**

The Marietta Museum of History will make a presentation concerning the 150th Commemorative of the Civil War.

**Presented**

**20141175      Presentation of an award from the GA Forestry Service**

Presentation of a 2014 Grand Award from the Georgia Urban Forest Commission (GUFC) for outstanding streetscape revitalization for Church Street.

**Presented**

**20141225      Marietta PAL**

Marietta PAL presents their 2014-15 Program and will receive a \$15,000 check from Amerigroup, awarded to PAL to fund our new PAL Power Movers Program.

**Presented**

\*      **20141195      MOTION TO RESCIND  
MARIETTA CITY COUNCIL  
LEGISTAR NUMBER 20140960  
Z2014-19 Roger Davis, Red Hare Brewery 994 and 1010 Roswell Street**

Motion to rescind 20140960 Roger Davis, Red Hare Brewery 994 and 1010 Roswell Street which was previously approved by the Mayor and Council on October 8, 2014.

**Approved and Finalized**

- \*      **20141196**      **MOTION TO RESCIND**  
MARIETTA CITY COUNCIL  
LEGISTAR NUMBER 20141029  
Z2014-20 City of Marietta Coggins Place Right-of-Way

Motion to rescind 20141029 City of Marietta Coggins Place Right-of-Way which was previously approved by the Mayor and Council on October 8, 2014.

**Approved and Finalized**

- \*      **20141223**      **Regular Meeting - October 8, 2014**

Review and approval of the October 8, 2014 regular meeting minutes.

**Approved and Finalized**

- \*      **20141151**      **Marietta Museum of History Appointments**

Approval of a recommendation by the Museum of History Board to appoint Mark Morgan, Denise Flynn, Michelle Rogers and Dan Harliss to the Board of Directors for a term of 3-years expiring October 31, 2017.

**Approved and Finalized**

- 20141098**      **Z2014-21 Greater Community Church of God in Christ 74 Doran, 114 Doran Avenue, 122 Doran Avenue, 439 Chester Street, 66 Olive Street, 69 Doran Avenue, 99 Doran Avenue**

Z2014-21 [REZONING] GREATER COMMUNITY CHURCH OF GOD IN CHRIST request rezoning for property located in Land Lot 12330, District 16 and being known as 74 Doran Avenue (Parcel 0430), 114 Doran Avenue (Parcel 0450), 122 Doran Avenue (Parcel 0460), 439 Chester Street (Parcel 0560), 66 Olive Street (Parcel 0600); and in Land Lot 12340, District 16 and being known as 69 Doran Avenue (Parcel 1230) and 99 Doran Avenue (Parcel 1240), 2nd Section, Marietta, Cobb County, Georgia from R-4 (Single Family Residential 4 units/acre) to CRC (Community Retail Commercial). Ward 1A.

406 Chester Street is owned by JRG 30 Whitlock Ave, LLC, which is owned by Joseph Goldstein. Joseph Goldstein is the son of Councilman Philip Goldstein.

**Approved as Amended**

**20141099                    Z2014-22 Brian Warren 1021 Marble Mill Circle**

Z2014-22 [SPECIAL LAND USE PERMIT] BRIAN WARREN requests a Special Land Use Permit for uses (offices and truck parking) associated with hauling and storage of residential sanitation trucks for property located in Land Lot 10040, District 16, Parcel 0240, 2nd Section, Marietta, Cobb County, Georgia and being known as 1021 Marble Mill Circle, currently zoned HI (Heavy Industrial).

**Tabled**

\*        **20141127                    Denial of Claim**

Denial of the claim of Raymond Weimer.

**Approved to Deny Claim**

\*        **20141128                    Denial of Claim**

Denial of the claim of Luke C. Broadwell.

**Approved to Deny Claim**

\*        **20141182                    Denial of Claim**

Denial of the claim of Carmen Yadira Paz Ramos, Fany Herrera, Merlin Herrera and Sandra Herrera.

**Approved to Deny Claim**

\*        **20141130                    Franklin-Delk LCI**

Approval of a Resolution for the Gateway Marietta-Terrell Mill LCI grant application request of \$144,000, and the authorized local match of \$36,000 from the City of Marietta, Gateway Marietta CID and Cobb County by each contributing \$12,000 in support of the grant proposal

**Approved and Finalized**

\*      **20141183**                      **Substitution of Collateral**

Motion to approve a substitution of collateral between the City of Marietta and the Marietta Redevelopment Corporation whereby 67 Hedges Street shall be added to the existing Deed to Secure Debt from the Marietta Redevelopment Corporation to the City of Marietta and 193/195 Hedges Street shall be released from said Deed to Secure Debt recorded in Deed Book 15133, Page 5107, Cobb County Records. This motion is contingent upon the consent of the Bank of North Georgia to this transaction and the approval of the Board of Directors of the Marietta Redevelopment Corporation to this transaction. Further, the Mayor and City Clerk are authorized to execute any and all documents consistent with this motion and all documents are subject to the final approval of the City Attorney and the Economic Development Manager for the City of Marietta

**Approved and Finalized**

\*      **20141104**                      **MPD HEAT Grant**

Approving and Ordinance amending the Fiscal Year 2015 General Fund Budget to receive and appropriate a grant from the Governor's Office of Highway Safety to maintain a HEAT (DUI) unit.

**Approved and Finalized**

\*      **20141119**                      **GMA Annual Mayors' Day Conference**

Motion approving travel and training expenses for the Mayor and Council members who wish to attend the Georgia Municipal Association (GMA) Annual Mayors' Day Conference, January 23-26, 2015, in Atlanta, Georgia.

**Approved and Finalized**

\*      **20141163**                      **Refunding of 2009D General Obligation Bonds**

Motion to authorize the contract with Raymond James and Associates as the financial advisor for the possible refunding of the 2009D General Obligation Parks Bonds to save money because of lower interest rates.

**Approved and Finalized**

\*      **20141114**                      **2015 City Council Meeting Dates**

Approval of a Resolution establishing the City Council meeting dates and approval of the committee meeting calendar for 2015.

**Approved and Finalized**

\*      **20141115**                      **Revised Detailed Plan for Marietta Walk Phase II**

Motion to approve the revised site plan and architectural elevations for the single family homes associated with the Detailed Plan for Marietta Walk, Phase II, signed by the owner and dated November 12, 2014, in accordance with Section 708.20(J.4) of the Marietta City Code. The purpose of this revision is to:

Approve the revised site plan, which changes the area previously identified for commercial use to be developed for single family homes by the new developer, Minerva USA, in partnership with their builder, Stonecrest Homes. Architectural elevations, prepared by Roger Caldwell of Caldwell Cline Architectural Designers, are also included with this revised plan.

All other conditions of the previously approved detailed plan will remain in effect.

**Approved as Amended**

\*      **20141116**      **Revised Detailed Plan for Marietta Walk, Phases I & II - revised elevations & detailed tree plan**

Motion to approve architectural elevations for the single family homes and townhouses associated with the Detailed Plan for Marietta Walk, Phases I & II, signed by the owner and dated November 12, 2014, in accordance with Section 708.20(J.4) of the Marietta City Code. The purpose of this revision is to:

Approve additional architectural plans for the single family homes and townhouses, which include designs for front loaded single family detached homes, by the new developer, Minerva USA, in partnership with their builder, Stonecrest Homes. Architectural elevations, prepared by Roger Caldwell of Caldwell Cline Architectural Designers, are attached.

Also, approval of a revised detailed tree plan that complies with the City tree ordinance, which has been revised since the original plan was approved in 2005.

The revised detailed plan for Marietta Walk, Phase I and Phase II, is approved - except that the street trees proposed to be planted along Powder Springs Street (12 lacebark elm trees, 3" in caliper) shall not be planted until the issue of whether to allow them in the right of way is resolved. Further, no certificates of occupancy shall be issued for those lots along Powder Springs Street until the issue regarding street trees has been brought back to City Council for resolution.

All other conditions of the previously approved detailed plan will remain in effect.

**Approved as Amended**

\*      **20141158**      **Windy Hill Road Annexation I**

Motion approving advertising of the annexation of the Windy Hill Road Island Annexation I properties as shown on the attached map (Exhibit A) and as identified by the parcel address list in the attached table (Exhibit B) into the City of Marietta.

**Approved for Advertisement**

**20140557      “Blackwell Park” Development**

A motion approving the development of “Blackwell Park” in accordance with the concept plan as presented at the October meeting of the Parks, Recreation and Tourism Committee referenced as option 1 with estimated probable costs of \$58,334 with funding from the 2009 Parks Bond fund.

**Approved and Finalized**

**\*      20141137      Restroom installation project**

A motion approving the procurement and installation of restroom structures as presented at the October Parks, Recreation and Tourism Committee at previously approved parks: Henry, Lewis, Merritt, Victory and Whitaker; and, amending the project budget by increasing the previously approved amount of \$387,090 (Agenda Item 20140558) to \$394,628.

**Approved and Finalized**

**\*      20141122      Bus Shelter Lease Extension**

Motion authorizing continuation of the current Bus Stop Shelter Agreement, Contract/Agreement Number 1864, on a month-to-month basis with the provision that the City may terminate the agreement with 90 days notice. The annual fee for each shelter shall be pro-rated annually based on the number of days the agreement is in effect. This month-to-month extension shall end December 8th, 2016 or 4 months after Cobb County Community Transit System enters into a new and similar contract, whichever comes first.

**Approved and Finalized**

**\*      20141123      Grant Budget Appropriation**

Approval of an Ordinance amending the Fiscal Year 2014 budget to appropriate reimbursable grant funds from GDOT for various Public Works projects.

**Approved and Finalized**

**\*      20141226      Grant Budget Appropriation**

Approval of an Ordinance amending the Fiscal Year 2015 budget to appropriate reimbursable grant funds from GDOT for the Rottenwood Creek Trail.

**Approved and Finalized**

\*      **20141124                   Comcast Overhead Utilities**

Motion approving variance from the underground utility ordinance, 5-4-160, for utility work shown on the following permit requests:

Comcast permit #S1082TSC-CDOT2 for overlash of existing cable across Loudermilk Drive near the intersection of Church Street Extension.

This motion does not grant a perpetual variance. Comcast must relocate underground at their expense if other utilities at the location are moved underground.

**Approved and Finalized**

\*      **20141125                   GDOT Memorandum of Agreement (MOA)**

Motion to approve the GATEway Grant Memorandum of Agreement between The Georgia Department of Transportation and The City of Marietta for Gateway Landscape Improvements along South Marietta Pkwy between Cobb Parkway and Franklin Road.

**Approved and Finalized**

\*      **20141126                   CSX Construction Agreement**

Motion to approve the Construction Agreement from CSX Transportation for the construction of the Atherton Square TE project.

**Approved and Finalized**

\*      **20141153                   Commerce Park Drive Sign**

Motion approving the attached Landscape License Agreement from Cobb County allowing a sign within Commerce Park Drive right of way.

**Approved and Finalized**

\*      **20141035                   Mill Street and Cherokee Street Improvements**

Motion authorizing improvements along Mill Street and Cherokee Street as presented with work commencing in January 2015.

Council member Goldstein disclosed that he owns property, manages property and/or have interest in entities that own property, and/or have relatives that own property along Mill Street, North Park Square, Church Street and Cherokee Street. It appears that all improvements proposed are to the public right-of-way.

**Approved and Finalized**



\*      **20141238            North Park Square Improvements**

Motion to proceed with concept design with 7.5 feet sidewalk expansion as presented as "Option A" with construction to commence January 2016.

Council member Goldstein disclosed that he owns property, manages property and/or have interest in entities that own property, and/or have relatives that own property along Mill Street, North Park Square, Church Street and Cherokee Street. It appears that all improvements proposed are to the public right-of-way.

**Approved and Finalized**

\*      **20141133            Manning Road**

Motion authorizing installation of traffic calming measures along Manning Road as shown on attached drawings.

**Approved and Finalized**

\*      **20141134            Frasier Street Speed Limit**

Motion establishing the speed limit along Frasier Street at 25MPH.

**Approved and Finalized**

\*      **20141170            Crosswalks and Stop Sign Request**

Motion authorizing a 5 way stop at the intersection of Maple Avenue, Winn Street, Camp Street and Holland Street.

**Approved and Finalized**

\*      **20141172            Sign and Striping Request**

Motion authorizing signing and striping as shown on the attached drawing.

*Motion authorizing signing and striping as shown on the attached drawing at the intersection of Walnut Drive and Bouldercrest Drive.*

**Approved as Amended**

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\*      **20140805                      V2014-31 Clear Channel Outdoor, Inc. 1200 Roswell Road**

V2014-31 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request variances for property located in Land Lot 12390, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia and being known as 1200 Roswell Road, currently zoned CRC (Community Retail Commercial). Ward 7A.

1. Variance to reduce the minimum lot size from 20,000 sq. ft. to 4,054 sq. ft. [§704.04; §708.16 (H.); §714.04 (G.)(1.); §714.04 (G.)(8.)]
2. Variance to reduce the front, side, and rear setbacks. [§708.16 (H.); §714.04 (G.)(1.); §714.04 (G.)(8.)]
3. Variance to allow a billboard to be located within 1,000 feet of another billboard. [§714.04 (G.)(5.)]
4. Variance to allow a billboard to be located closer to a permanent structure than a distance that is equal to or greater than the height of the sign. [§714.04 (G.)(10.)]
5. Variance to eliminate the requirement that a billboard must be regulated as a principal use and be required to meet all dimensional standards of the applicable zoning district (CRC). [§704.04; §708.16 (H.); §714.04 (G.)(1.); §714.04 (G.)(8.)]

Motion to Table this matter until the December 10, 2014 City Council meeting.

**Tabled**

\*      **20140950                      V2014-40 CBS Outdoor, LLC 1200 Gresham Road**

V2014-40 [VARIANCE] CBS OUTDOOR, LLC request variances for property located in Land Lot 11660, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia and being known as 1200 Gresham Road, currently zoned CRC (Community Retail Commercial). Ward 7.

1. Variance to reduce the rear setback for a billboard support structure from 35' to 22.';
2. Variance to reduce the rear setback for billboard sign faces to 19.';
3. Variance to reduce the side setback for billboard sign faces to 0.';
4. Variance to locate a billboard within 1,000' of other billboards;
5. Variance to locate a billboard on a substandard lot;
6. Variance to reduce the minimum lot width from 100' to 72.';
7. Variance to locate a billboard within 500' of a residential zoning district.

Motion to Table this matter until the January 14, 2015 City Council meeting.

**Tabled**

\*      **20140953                      V2014-43 Clear Channel Outdoor, Inc. 611 Webb Industrial Drive**

V2014-43 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request variances for property located in Land Lot 09980, District 16, Parcel 0120, 2nd Section, Marietta, Cobb County, Georgia and being known as 611 Webb Industrial Drive, currently zoned HI (Heavy Industrial). Ward 5B.

1. Variance to reduce the side setbacks for a billboard support structure from 20' to 11.';
2. Variance to reduce the rear setback for a billboard support structure from 40' to 23.';
3. Variance to reduce the rear and side setbacks for billboard sign faces to 0.';
4. Variance to locate a billboard within 1,000' of other billboards.;
5. Variance to locate a billboard on a substandard lot;
6. Variance to reduce the minimum lot width from 150' to 21.';
7. Variance to locate a billboard closer to a permanent structure than a distance that is equal to or greater than the height of the sign.

Motion to Table this matter until the December 10, 2014 City Council meeting.

**Tabled**

**20141117                      V2014-52 CBS OUTDOOR, LLC 121 FREYS GIN ROAD**

V2014-52 [VARIANCE] CBS OUTDOOR request variance for property located in Land Lot 12390, District 16, Parcel 0160, 2nd Section, Marietta, Cobb County, Georgia and being known as 121 Freys Gin Road, currently zoned CRC (Community Retail Commercial). Variance to increase LED sign face to 672 square feet. Ward 7A.

**Denied**

\*      **20140968                      V2014-46 Racetrac Petroleum 2484 Delk Road, 2466 Delk Road, and 2400 Delk**

V2014-46 [VARIANCE] RACETRAC PETROLEUM request variances for property located in Land Lot 07990, District 17, Parcels 0380, 0050, and 0090, 2nd Section, Marietta, Cobb County, Georgia and being known as 2484 Delk Road, 2466 Delk Road, 2400 Delk Road, currently zoned CRC (Community Retail Commercial). Ward 7A

1. Variance to increase the maximum height of a freestanding monument sign, which shall have a brick base, from 15 ft. to 20 ft.
2. Variance to increase the maximum area of the sign face from 90 to 125 sq.ft.

*Motion to approve the following variances request for property located at 2484 Delk Road, 2466 Delk Road, 2400 Delk Road, currently zoned CRC (Community Retail Commercial):*

- 1. Variance to increase the maximum height of a freestanding monument sign, which shall have a brick base, from 15 ft. to 20 ft.*
- 2. Variance to increase the maximum area of the sign face from 90 sq.ft. to 135 sq.ft.*

**Approved as Amended**

**20141100                      V2014-48 Marietta High School 121 Winn Street**

V2014-48 [VARIANCE] MARIETTA HIGH SCHOOL requests variances for property located in Land Lot 12200, District 16, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia and being known as 121 Winn Street, currently zoned R-4 (Single Family Residential 4 units/acre). Variance to eliminate the planted border strip along Cleburne Avenue; variance to reduce the planted border strip along Polk Street, as shown on the attached plans with the submittal date of September 15, 2014. Ward 3A.

**Referred to the Special Called City Council Meeting**

\*      **20141231                      Begin Process to Change the Name of Franklin Road to Gateway Boulevard**

Motion to begin the process to change the name of Franklin Road to Gateway Boulevard on or before July 1, 2015. This includes the entire length of Franklin Road beginning at the intersection of Banberry Road and Franklin Road to Cobb Parkway and Franklin Road. The process will include advice and counsel from the Gateway Marietta CID area community and stakeholders.

It is further recommended to designate Gateway Boulevard commencing at South Marietta Parkway and terminating at Delk Road as the "JW Franklin and Sons Pottery Commemorative Highway".

**Approved and Finalized**

\*      **20141186**                      **739 Franklin Road Tenant Signage**

Motion authorizing acquisition of tenant signage at 739 Franklin Road from Taquezia La Adelita in exchange for \$200.00, from Party Package Store in exchange for \$710.00 and from Laundry Concepts Inc. in exchange for \$200.00 for the purpose of constructing the Franklin Road Improvements Project - From Twin Brooks to Las Colinas Apartments.

**Approved and Finalized**

\*      **20141187**                      **170 N. Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 170 N. Fairground Street from Church Loan Assets Master, LLC for the purpose of constructing the Fairground Street Improvements Project- from Roswell Street to Rigby Street in exchange for \$7,500.00.

**Approved and Finalized**

\*      **20141188**                      **454 Whitlock Avenue**

Motion accepting donation of temporary easement at Parcel 18, 454 Whitlock Avenue from Larry M. Ingle for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project.

**Approved and Finalized**

\*      **20141189**                      **680 Franklin Road - Parcel 14-T**

Motion to authorize the acquisition of property owned by CBS Outdoor on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**Approved and Finalized**

\*      **20141190**                      **1391 Powder Springs Street**

Motion to authorize the acquisition of property owned by Stor-Master, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**Approved and Finalized**

\*      **20141239**                      **739 Franklin Road**

Motion to authorize purchase of 739 Franklin Road in exchange for \$56,465.60 and the City Attorney is authorized to take all action necessary to purchase said property.

**Approved and Finalized**

\*      **20141240**                      **739 Franklin Road**

Motion to authorize the acquisition of property owned by 739 Franklin Properties, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**Approved and Finalized**

\*      **20141241**                      **111 N. Fairground Street**

Motion to authorize the acquisition of property owned by Richard Roberts on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**Approved and Finalized**

\*      **20141242                      1211 Powder Springs Street**

Motion to authorize the acquisition of property owned by William E. Lisenby, William H. Shaw, Jr. and Larry J. Baugh on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**Approved and Finalized**

\*      **20141243                      773 Wylie Road a/k/a 720 Franklin Road**

Motion to authorize the acquisition of property owned by The Gallery Apartments, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**Approved and Finalized**

\*      **20141244                      640 Franklin Road**

Motion to authorize the acquisition of property owned by Quiktrip Corporation on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**Approved and Finalized**

\*      **20141224                      BLW Actions of the November 10, 2014**

Review and approval of the November 10, 2014 actions and minutes of the Marietta Board of Lights and Water.

**Approved and Finalized**

**20141249****Property Exchange**

Motion to approve Contract for Exchange of Real Property between the City of Marietta, as Purchaser, and Whitaker Investments, LLC, as Seller. As part of this motion, the City of Marietta finds that the exchange is in the best interest of the parties and the best interest of the public. The City Attorney and the Director of Parks and Recreation are given authority to close on the Burnt Hickory Road property. The Mayor and City Clerk are authorized to execute any and all documents set forth in the Contract including the transfer of the Chicopee property.

**Approved and Finalized**